

**CRIME OF DISCHARGING A DANGEROUS
WEAPON OR FIREARM WITHIN A
MUNICIPALITY**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Neil A. Hansen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Weapons Part of the Utah Criminal Code by making it a crime to discharge a firearm within a municipality.

Highlighted Provisions:

This bill:

- ▶ makes it a third degree felony to intentionally discharge a firearm within a municipality;
- ▶ provides for exceptions; and
- ▶ makes certain technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-8-47, as last amended by Laws of Utah 1981, Chapter 50

ENACTS:

76-10-508.5, Utah Code Annotated 1953



Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-8-47** is amended to read:

10-8-47. Intoxication -- Fights -- Disorderly conduct -- Assault and battery -- Petit larceny -- Riots and disorderly assemblies -- Firearms and fireworks -- False pretenses and embezzlement -- Sale of liquor, narcotics, or tobacco to minors -- Possession of controlled substances -- Treatment of alcoholics and narcotics or drug addicts.

~~[They may]~~ (1) A municipal legislative body may:

(a) prevent intoxication, fighting, quarreling, dog fights, cockfights, prize fights, bullfights, and all disorderly conduct; and

(b) provide against and punish the offenses of assault and battery and petit larceny;~~;~~
~~they~~].

(2) They may restrain riots, routs, noises, disturbances or disorderly assemblies in any street, house or place in the city~~;~~~~they~~].

(3) Notwithstanding Section 76-10-508.5, they may regulate and prevent the discharge of firearms, rockets, powder, fireworks or any other dangerous or combustible material~~;~~~~they~~], but may not prescribe a lesser penalty for the discharge of a firearm than the penalty established in Section 76-10-508.5.

(4) They may provide against and prevent the offense of obtaining money or property under false pretenses and the offense of embezzling money or property in all cases where the money or property embezzled or obtained under false pretenses does not exceed in value the sum of \$100 ~~[and]~~.

(5) They may prohibit the sale, giving away or furnishing of intoxicating liquors or narcotics, or of tobacco to ~~[any]~~ a person under ~~[twenty-one]~~ 21 years of age~~;~~~~cities~~].

(6) (a) A city may~~;~~:

(i) by ordinance, prohibit the possession of controlled substances as defined in the Utah Controlled Substances Act, provided the conduct is not a class A misdemeanor or felony~~;~~; and

(ii) provide for treatment of alcoholics, narcotic addicts and other persons who are addicted to the use of drugs or intoxicants such that they substantially lack the capacity to control their use of the drugs or intoxicants~~;~~~~and judicial~~].

(b) Judicial supervision may be imposed as a means of effecting their rehabilitation under Subsection (6)(a)(ii).

Section 2. Section **76-10-508.5** is enacted to read:

76-10-508.5. Discharge of firearm within a municipality -- Penalty -- Application.

(1) For purposes of this section, "municipality" has the same meaning as defined in Section 10-1-104.

(2) A person who intentionally discharges a firearm within a municipality is guilty of a third degree felony.

(3) This section does not apply to the lawful discharge of a firearm by a person who is:

(a) acting in lawful defense of:

(i) self;

(ii) others; or

(iii) the person's property;

(b) performing official duties as provided in Sections 23-20-1.5 and 76-10-523; or

(c) a participant in a lawful activity in which the discharge of a firearm is a recognized part of the activity, including shooting galleries and ranges.

Legislative Review Note
as of 12-21-07 12:13 PM

Office of Legislative Research and General Counsel

Fiscal Note

H.B. 110 - Crime of Discharging a Dangerous Weapon or Firearm Within a Municipality

2008 General Session

State of Utah

State Impact

Enactment of this bill will require appropriations to the Department of Corrections for workload increases. The Department will require General Funds of \$5,300 in FY 2009 and \$10,700 in FY 2010. The Department will require General Funds of \$16,000 in FY 2011 and each year thereafter.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund	\$0	\$16,000	\$16,000	\$0	\$0	\$0
General Fund, One-Time	\$0	(\$10,700)	(\$5,300)	\$0	\$0	\$0
Total	\$0	\$5,300	\$10,700	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.